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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,966	07/27/2001	Roger C. Williams	BIW-EV	9328
7590	09/22/2004		EXAMINER TA, THO DAC	
Risto A. Rinner, Jr. Suite A 2169 East Francisco Blvd. San Rafael, CA 94901			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/916,966	WILLIAMS, ROGER C.	
	Examiner	Art Unit	<i>AW</i>
Tho D. Ta	2833		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 12 is objected to because of the following informalities: Claim 12 is depending from canceled claim 10. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7, 8, 11-14 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eberle et al. (6,210,036).

In regard to claims 1, 14, 20, Eberle et al. discloses an electric charging connector, comprising: a connector plug having a body 48, the body 48 having first end and an opposite second end; (b) means 24 for attaching an electrical cable 46 at the first end of the body, the electrical cable 46 including a plurality of electrical conductors therein; (c) means 22, 26 for providing a plurality of sockets at the second end of the body 48; and (d) means for providing body at least one cavity in the body 48 and including means 30 for determining a temperature of the connector and wherein the

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means 30 for determining a temperature is adapted to affect a current that is flowing through at least one of the plurality of electrical conductors subsequent to the temperature exceeding a predetermined threshold amount (column 1, lines 52-57).

The recitation that the charging connector is a vehicle rapid charging connector has not been given significant patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

In regard to the recitation “at least two of the plurality of sockets adapted for recharging a battery of the electric vehicle”, it has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In *re Hutchison*, 69 USPQ 138.

In regard to claims 2 and 3, Eberle et al. discloses that the cavity is adapted to receive a switch (column 5, lines 9-12).

In regard to claim 7, Eberle et al. discloses that the plurality of sockets 22, 26 is adapted to mate electrically with a plurality of pins that are disposed in a receptacle.

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In regard to claim 8, Eberle et al. discloses that at least one of the plurality pins is longer than at least one other of the plurality of pins and whereby the at least one of the plurality of pins that is longer is adapted to mate electrically with at least one of the plurality of sockets before at least one other of the plurality of pins is adapted to mate electrically with at least one other the plurality of sockets (see figures 2B, 2D).

In regard to claim 11, Eberle et al. discloses that the means 30 for determining temperature includes a temperature detector.

In regard to claim 12, Eberle et al. discloses that the means 30 for determining a temperature is attached to a first end of the at least one of the plurality of electrical conductors 24 and including means for monitoring the temperature that is attached to a second end of the at least one of the plurality of conductors 24 (see figures 2B and 2D).

In regard to claim 13, Eberle et al. discloses that the means for monitoring is adapted to affect a current that is flowing through the conductor subsequent to the temperature exceeding a predetermined threshold amount (column 1, lines 52-57).

***Allowable Subject Matter***

4. Claims 4-6, 9, 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. The following is a statement of reasons for the indication of allowable subject matter: In regard to claims 4, 6, the prior art fails to provide, teach or suggest the combination of claims 1, 2 and the recitation "indicator light". In regard to claim 5, the prior art fails to provide, teach or suggest the combination of claims 1, 2 and the recitation "at least one blank of the module adapted for covering an opening into the cavity". In regard to claim 9, the prior art fails to provide, teach or suggest the combination of claims 1, 7 and the recitation "means for monitoring". In regard to claim 15, the prior art fails to provide, teach or suggest the combination of claim 14 and the recitation "the means for determining a temperature in the body is adapted to supply a signal through the electric cable".

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-9, 11-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tdt  
09/17/04

  
THO D. TA  
PRIMARY EXAMINER